MR. V. SREEDHARAN PILLAI: They have properties in the State. What is the protection that can be made with regard to their properties inside the State?

PRESIDENT: There is special provision for it.

MR. K. G. KUNJUKRISHNA PILLAI: I may at once say that this difficulty was felt and a Bill has been framed and is under consideration of Government. It will be promulgated very shortly when the difficulty pointed out by the honourable member will be solved.

MR. V. SREEDHARAN PILLAI: I wanted only to point out the difficulties of those persons who cannot file a suit.

PRESIDENT: There is a piece of legislation in regard to that matter under contemplation.

MR. K. G. KUNJUKRISHNA PILLAI: I move that the Travancore Civil Procedure Code (Amendment) Bill be passed.

MR. S. NARAYANA AIYAR (*Financial Secretary to Government*): I second it.

The motion was put and carried, and the amendment was passed.

THE TRAVANCORE WORKMEN'S COMPENSATION ACT (AMENDMENT) BILL.

MR. K. G. KUNJUKRISHNA PILLAI: Sir, I rise to introduce the Travancore Workmen's Compensation Act (Amendment) Bill. I move that the Bill be read in the Assembly.

MR. S. NARAYANA AIYAR: I second it.

MR. K. G. KUNJUKRISHNA PILLAI: Sir, this is a very short Bill. The Travancore Workmen's Compensation Act is based upon the British Indian Act of 1923. In that Act, among the definition of words, there is a definition defining monthly wages. These words were subjected to the interpretation that unless the workman who is employed is employed on a monthly basis he would not get the benefit of compensation. That difficulty arose in British India. To make the position clear and to benefit those who are not employed on a monthly basis, an Amendment was passed in British India. It is proposed to incorporate that amendment to section 5 of the Travancore Workmen's Compensation Act here also. The Amendment proposed is—

> (a) "For the words' "For the purposes of this Act the monthly wages of a workman shall be calculated" the following shall be substituted, namely:- "In this Act and for the purposes thereof the expression monthly wages' means the amount of wages deemed to be payable for a month's service (whether the wages are payable by the month or by whatever other period or at piece rates), and calculated"

The words in quotation will show that it is an improvement on the existing Act, and I commend it to the consideration of the House.

MR. P. N. KRISHNA PILLAI: (Co-opted) I have very great pleasure in supporting this amendment. It was passed in the Central Assembly in 1939. The definition of the word "workmen" is such that any anyone receiving up to the maximum wage of Rs, 300 a month comes within the ambit of the Act. The Madras High Court interpreted that anybody receiving weekly wage or daily wage does not get the benefit of compensation provided under the Act whereas the Bombay High

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Court interpreted that anybody receiving weekly or daily wage will also get the benefit contemplated by the Act. This Amendment is in support of the Bombay decision.

While supporting this particular amendment I may be permitted to point out that this sort of piece-meal amendment legislation is not sufficient. The whole of the Workmen's Compensation Act has to be amended in such a way that it will be made applicable to many concerns to which it is not applicable because of the defects of the various definitions in the Act. In British India there is a Committee appointed which is going through the whole question of labour legislation and it has submitted a questionnaire with a view to amend the whole Act. I may not be in order if I point out the various amendments that should be made. While I welcome this amendment, I may be permitted to point out that we want a thorough overhauling of the Act. I may also be permitted to point out that there is very inordinate delay in the disbursement of compensation. Some suitable machinery may be found out to see that compensation is given without any delay whatsover. With these remarks, I support the amendment.

MR. E. I. CHACKO: Sir, about the inordinate delay referred to by the honourable member, under the provisions of the Act, investigations have to be made first about the claimants and dependants of the deceased. Further some employees dispute their liability to pay—This has to be fixed after protracted correspondence some times. That will require time. If there is dispute about the heirship also the compensation amount has got to be deposited. After the amount is so deposited, the revenue officers have to be requested to verify the claims of the dependants concerned. That necessarily takes some time and the Commissioner for Workmen's Compensation is also to act as a sort of guardian for the dependants, particularly when there are minors. The minors are under a legal disability. So, unencumbered property has to be purchased in their name for the benefit of the minors. Otherwise, the benefit that is intended will remain unconferred. These are matters which require some time, and the delay is therefore unavoidable.

MR. P. N. KRISHNA PILLAI: May I know from the honourable member the number of claims that are now pending with the Commissioner for Workmen's Compensation, for disposal.

MR. E. I. CHACKO: There are about a dozen claims, and the Government, at my request, have issued stringent instructions to the Revenue officers to expedite the disposal of all the claims with them. I therefore expect that there will be much greater speed in the disposal of these cases hereafter.

PRESIDENT: I may add that the Government have instructed Revenue officers that they should offer an explanation if the delay entailed is over a week.

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MR. M. L. JANARDANA PILLAI: Sir, I wish to say a few words. In accordance with the instructions issued to the employers by the Dewan-President that such cases should be expedited, I may say that those employers who have effected insurance under the Workmen's Compensation Act have made interim payments, and the final claim is ultimately settled by the Insurance Company. In the meanwhile, the workman and his dependants are considerably helped by such interim payments made to him, which are a set-off only against final payments. So, to this extent, the difficulty has been considerably mitigated.

The question that the Bill be read in the Assembly was put and carried.

TITLE OF THE BILL.

SECRETARY: The title of the Bill shall be "the Travancore Workmen's Compensation Act (Amendment) Bill.

MR. K. G. KUNJUKRISHNA PILLAI: I move that the Bill be taken into consideration, and I pray that Standing Order 32 be waived for the purpose.

The motion was put and carried. The standing Order was suspended.

CLAUSES 1 AND 2.

The question that clauses 1 and 2 stand part of the Bill was put and carried.

Clauses 1 and 2 were added to the Bill.

TITLE AND PREAMBLE.

The question that the title and preamble stand part of the Bill was put and carried.

The title and preamble were added to the Bill.

MR. K. G. KUNJUKRISHNA PILLAI: I move that in clause 1 (i) instead of the figures 111——the figures 1120 be substituted.

MR. S. NARAYANA AIYAR: I second it.

The amendment was put and carried.

MR. K. G. KUNJUKRISHNA PILLAI: I move that the Bill be passed.

MR. S. NARAYANA AIYAR: I second it.

The motion was put and carried.

The Bill was passed.

THE TRAVANCORE DISTRICT MUNICIPALITIES ACT (AMENDMENT) BILL.

MR. K. G. KUNJUKRISHNA PILLAI: Sir, I rise to present the Travancore District Municipalities Act (Amendment) Bill to the House. I move that the Bill be read in the Assembly.

MR. S. NARAYANA AIYAR: I second it.

The question that the Bill be read in the Assembly was put and carried.

SECRETARY: The title of the Bill shall be "the Travancore District Municipalities Act (Amendment) Bill".

MR. K. G. KUNJUKRISHNA PILLAI: This Bill is intended to remove an anomaly in the District Municipalities Act, and to bring it into conformity with the City Municipal Act for a specific purpose which is mentioned in the Statement of Objects and Reasons.

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